

REMARKS

Reconsideration of the above-identified application in view of the following remarks is respectfully requested. Claims 1-3, 5, 7, 8, 11, and 13-24 are pending in the application. Claims 2, 5, 7, 8, 11, 13, 21, and 22 are allowed.

Claim 1 is a Proper Means-Plus-Function Claim

Claim 1 and claims 3, 14-20, 23, and 24, which depend from claim 1, stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claim 1 recites an inflation fluid source comprising (i) means (ii) for inflating an inflatable vehicle occupant protection device to a pressure that is a defined mathematical function of the thickness of the protection device. The Office Action states that the "means for inflating..." language is indefinite because it is a method limitation included in an apparatus claim. Applicants disagree.

The "means for inflating" limitation set forth in claim 1 is a proper means-plus-function limitation that is clear and definite, and not a method limitation. Claim 1 recites (i) a means (ii) for performing a specific function. The recited function is inflating an inflatable vehicle occupant protection device to a pressure that is a defined mathematical function of the thickness of the protection device. Thus, claim 1 is not indefinite.

Further, claim 1 does not recite a method step, but rather recites a function of a "means." The function of the means is to provide inflation fluid to inflate the protection

device to a specific pressure, which is a defined mathematical function of the thickness of the protection device. This is proper means-plus-function language in accordance with 35 U.S.C. 112, paragraph six (see MPEP 2181 et seq.).

Claim 1 Distinguishes Over the Prior Art

Claims 1, 3, 14-20, 23 and 24 also stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cherry (U.S. Patent No. 6,022,044) in view of Bohman et al. (Paper No. 98-S8-O-07, 16th ESV Conference, June 1-4, 1998, Windsor, Canada).

Cherry and Bohman et al., alone or in combination, do not teach or suggest a means for inflating an inflatable vehicle occupant protection device to a pressure that is a defined mathematical function of the thickness of the protection device. Bohman et al. and Cherry are absolutely silent as to any defined function or equation. The construction recited in claim 1 provides a distinct advantage over the prior art. One advantage is that manufacturing and design time for the inflator of the present invention is shortened significantly over that of the prior art inflators. Therefore, the rejection of claim 1 under 35 U.S.C. 103(a) should be withdrawn. Claims 3, 14-20, 23 and 24 depend either directly or indirectly from claim 1. Therefore, the rejection of claims 3, 14-20, 23, and 24 under 35 U.S.C. 103(a) should also be withdrawn.

The Office Action states that the language "defined mathematical function" is unclear because it appears to be directed to an intermediary step in the design process of the air bag and inflator combination. Applicants disagree. The

language is proper means-plus-function language under 35 U.S.C. 112, paragraph six. There is no step recited, merely structure in the means-plus-function format.

In view of the foregoing, it is respectfully submitted that the above identified application is in condition for allowance, and allowance of the above-identified application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,



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